

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 KELLY CARTER BUNCH,

4 Plaintiff

Case No. 2:19-cv-00365-GMN-CWH

ORDER

5 v.

6 JERRY HOWELL et al.,

7 Defendants
8

9 **I. DISCUSSION**

10 On February 28, 2019, Plaintiff, a prisoner in the custody of the Nevada
11 Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C.
12 § 1983 but did not file an application to proceed *in forma pauperis* or pay the filing fee.
13 (ECF Nos. 1, 1-1). On March 6, 2019, this Court issued an order directing Plaintiff to file
14 a fully complete application to proceed *in forma pauperis* or pay the full filing fee. (ECF
15 No. 3). On March 19, 2019, Plaintiff filed an application to proceed *in forma pauperis* but
16 did not submit a properly executed financial certificate or an inmate account statement.
17 (ECF No. 4). On April 11, 2019, the Court denied the application to proceed *in forma*
18 *pauperis* as incomplete and directed Plaintiff to file a fully complete application to proceed
19 *in forma pauperis* including a properly executed financial certificate and an inmate
20 account statement. (ECF No. 5). Plaintiff has only submitted a financial certificate. (ECF
21 No. 6). Plaintiff has not filed an inmate account statement for the past six months.
22 Plaintiff's application remains incomplete.

23 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
24 application to proceed *in forma pauperis* and attach both an inmate account statement
25 for the past six months and a properly executed financial certificate. The Court will retain
26 Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the
27 payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure
28 the deficiencies of his application to proceed *in forma pauperis* by filing a new application

1 to proceed *in forma pauperis* and an inmate account statement; or in the alternative, pay
2 the full filing fee for this action. If Plaintiff fails to file an application to proceed *in forma*
3 *pauperis* and an inmate account statement, the Court will dismiss the case in its entirety,
4 without prejudice, to file a new case when Plaintiff is able to acquire the necessary
5 documents to file a complete application to proceed *in forma pauperis*.

6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
8 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
9 as the document entitled information and instructions for filing an *in forma pauperis*
10 application.

11 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
12 Plaintiff will either: (1) file an application to proceed *in forma pauperis* and an inmate
13 account statement in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for
14 filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

15 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an application to
16 proceed *in forma pauperis* and an inmate account statement, the Court will dismiss the
17 case, without prejudice, for Plaintiff to file a new case when he is able to acquire the
18 necessary documents to file a complete application to proceed *in forma pauperis*.

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20 DATED: May 22, 2019.

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23 UNITED STATES MAGISTRATE JUDGE
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